Notice of Allowability 10/749,031		Application No.	Applicant(s)	
Russell M. Kobert	Notice of Allowability	10/749 031	HOWLAND ET AL	
The MAILING DATE of this communication appears on the cover sheet with the correspondence address—All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not include herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. THIS NOTICE OF ALLOWABILITY IS NOTA GRANT OF PATENT RIGHTS. This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 10 Job. 1. ☑ This communication is responsive to the Amendment filed 22 August 2005. 2. ☑ The allowed claim(s) is/are 1-4,6-10.12-16 and 18. 3. ☑ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). a) ☐ All b) ☑ Some* c) ☑ None of the: 1. ☐ Certified opies of the priority documents have been received. 2. ☐ Certified copies of the priority documents have been received in Application No 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)). **Certified copies not received: Applicant has THREE MONTHS FROM THE *MAILING DATE* of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application. THIS THREE-MONTH PERIOD IS NOT EXTENDABLE. 4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient. 5. ☐ CORRECTED DRAWINGS (as *replacement sheets*) must be submitted. (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached 1) ☐ hereto or 2) ☐ to Paper No./Mail Date belief as such in the header according to 37 CFR 1.121(a). 6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of Biological Material Attachment(s) 1. ☐ Notice				
The MAILING DATE of this communication appears on the cover sheet with the correspondence address—All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not include herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. THIS NOTICE OF ALLOWABILITY IS NOTA GRANT OF PATENT RIGHTS. This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 10 Job. 1. ☑ This communication is responsive to the Amendment filed 22 August 2005. 2. ☑ The allowed claim(s) is/are 1-4,6-10.12-16 and 18. 3. ☑ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). a) ☐ All b) ☑ Some* c) ☑ None of the: 1. ☐ Certified opies of the priority documents have been received. 2. ☐ Certified copies of the priority documents have been received in Application No 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)). **Certified copies not received: Applicant has THREE MONTHS FROM THE *MAILING DATE* of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application. THIS THREE-MONTH PERIOD IS NOT EXTENDABLE. 4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient. 5. ☐ CORRECTED DRAWINGS (as *replacement sheets*) must be submitted. (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached 1) ☐ hereto or 2) ☐ to Paper No./Mail Date belief as such in the header according to 37 CFR 1.121(a). 6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of Biological Material Attachment(s) 1. ☐ Notice		Russell M Kohert	2829	
2. ☑ The allowed claim(s) is/are 1-4,6-10.12-16 and 18. 3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). a) ☐ All b) ☐ Some* c) ☐ None of the: 1. ☐ Certified copies of the priority documents have been received. 2. ☐ Certified copies of the priority documents have been received in Application No 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)). **Certified copies not received: Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application. THIS THREE-MONTH PERIOD IS NOT EXTENDABLE. 4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient. 5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted. (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached 1) ☐ hereto or 2) ☐ to Paper No./Mail Date (b) ☐ including changes required by the Altached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date 1 ☐ Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d). 6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding Requirement (PTO-1449 or PTO/SB/08), Paper No./Mail Date @905. 1. ☐ Notice of Parterson's Patent Drawing Review (PTO-948) 2. ☐ Notice of Parterson's Patent Drawing Review (PTO-1449 or PTO/SB/08), Paper No./Mail Date @905. 3. ☐ Information Disclosure Statements (PT	All claims being allowable, PROSECUTION ON THE MERITS IS herewith (or previously mailed), a Notice of Allowance (PTOL-85) NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT R of the Office or upon petition by the applicant. See 37 CFR 1.313	ears on the cover sheet with the coordinate (OR REMAINS) CLOSED in this application or other appropriate communication (IGHTS). This application is subject to and MPEP 1308.	correspondence address oplication. If not included n will be mailed in due course. THIS	
3.	1. This communication is responsive to the Amendment filed 22 August 2005.			
a)	2. The allowed claim(s) is/are <u>1-4,6-10,12-16 and 18</u> .			
noted below. Failure to timely comply will result in ABANDONMENT of this application. THIS THREE-MONTH PERIOD IS NOT EXTENDABLE. 4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient. 5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted. (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached 1) ☐ hereto or 2) ☐ to Paper No./Mail Date (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d). 6. ☐ DEPOSIT-OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL. Attachment(s) 1. ☐ Notice of References Cited (PTO-892) 2. ☐ Notice of Draftperson's Patent Drawing Review (PTO-948) 3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date 0905. 3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date 0905. 4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material	 a) All b) Some* c) None of the: 1. Certified copies of the priority documents have 2. Certified copies of the priority documents have 3. Copies of the certified copies of the priority do International Bureau (PCT Rule 17.2(a)). 	e been received. e been received in Application No	•	
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted. (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached 1) ☐ hereto or 2) ☐ to Paper No./Mail Date (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d). 6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL. Attachment(s) 1. ☐ Notice of References Cited (PTO-892) 2. ☐ Notice of Draftperson's Patent Drawing Review (PTO-948) 3. ☑ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date 0905. 7. ☑ Examiner's Amendment/Comment Paper No./Mail Date 0505 8. ☐ Examiner's Statement of Reasons for Allowance of Biological Material	noted below. Failure to timely comply will result in ABANDONMENT of this application. THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.			
(a)	<u> </u>			
1)				
(b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d). 6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL. Attachment(s) 1. ☐ Notice of References Cited (PTO-892) 2. ☐ Notice of Draftperson's Patent Drawing Review (PTO-948) 3. ☑ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date 0505 4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material				
each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d). 6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL. Attachment(s) 1. ☐ Notice of References Cited (PTO-892) 2. ☐ Notice of Draftperson's Patent Drawing Review (PTO-948) 3. ☑ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date 0505 4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material	(b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of			
Attachment(s) 1. □ Notice of References Cited (PTO-892) 2. □ Notice of Draftperson's Patent Drawing Review (PTO-948) 3. ☒ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date 0505 4. □ Examiner's Comment Regarding Requirement for Deposit of Biological Material				
 Notice of References Cited (PTO-892) Notice of Informal Patent Application (PTO-152) Notice of Draftperson's Patent Drawing Review (PTO-948) Interview Summary (PTO-413), Paper No./Mail Date 0905. Examiner's Amendment/Comment Examiner's Comment Regarding Requirement for Deposit of Biological Material 				
 Notice of References Cited (PTO-892) Notice of Informal Patent Application (PTO-152) Notice of Draftperson's Patent Drawing Review (PTO-948) Interview Summary (PTO-413), Paper No./Mail Date 0905. Examiner's Amendment/Comment Examiner's Comment Regarding Requirement for Deposit of Biological Material 				
 Notice of References Cited (PTO-892) Notice of Informal Patent Application (PTO-152) Notice of Draftperson's Patent Drawing Review (PTO-948) Interview Summary (PTO-413), Paper No./Mail Date 0905. Examiner's Amendment/Comment Examiner's Comment Regarding Requirement for Deposit of Biological Material 	Attachment(s)			
Paper No./Mail Date <u>0905</u> . 3. ☑ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date <u>0505</u> 4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material Paper No./Mail Date <u>0905</u> . 7. ☑ Examiner's Amendment/Comment 8. ☐ Examiner's Statement of Reasons for Allowance	<u> </u>	_	,,	
 3. ☑ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date 0505 4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material 7. ☑ Examiner's Amendment/Comment 8. ☐ Examiner's Statement of Reasons for Allowance 	2. Notice of Draftperson's Patent Drawing Review (PTO-948)			
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material 8. ☐ Examiner's Statement of Reasons for Allowance				
	4. Examiner's Comment Regarding Requirement for Deposit	8. Examiner's Statem	ent of Reasons for Allowance	
	oi biologicai wateriai	9. 🗌 Other		
			·	

Application/Control Number: 10/749,031

Art Unit: 2829

Examiner's Amendment

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

- 2. In claim 12, line 1, "claim 11" has been changed to -- claim 7 -- .
- Authorization for this examiner's amendment was given in a telephone interview 3. with Mr. Randy Notzen on September 6, 2005.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Russell Kobert whose telephone number is (571) 272-1963.

The Examiner's Supervisor, Nestor R. Ramirez, can be reached at (571) 272-2034.

For an automated menu of Tech Center 2800 phone numbers call (571) 272-2800.

Patent Examiner

Group Art Unit 2829

September 6, 2005

09/09/05

Page 2